

ASSEMBLY BILL

No. 804

**Introduced by Committee on Education (Strom-Martin (Chair),
Alquist, Calderon, Correa, Goldberg, Lui, Pavley, Salinas,
Vargas, Wyland, and Zettel)**

February 22, 2001

An act to amend Sections 8208, 8242, 8264.5, 8278.3, 8402, 8448, 11023, 11024.5, 17150, 17584, 32228, 32228.1, 32296.7, 32296.9, 35756.5, 41409, 42260, 42261, 42262, 42263, 42850, 44503, 52334, 53029, 53083, 54022, 54023, 54030, 54031, 60061, 60240, 60313, 63051, and 63052 of, to amend and renumber Sections 42266 and 42269 of, to amend and repeal Section 10554 of, to add Section 17071.50 to, to repeal Sections 42265, 42267, and 42268 of, to repeal Article 19 (commencing with Section 8420) of, Article 19.5 (commencing with Section 8430) of, and Article 23 (commencing with Section 8485) of, Chapter 2 of Part 6 of, the Education Code, to amend Section 27316 of the Vehicle Code, and to amend Section 42 of Chapter 71 of the Statutes of 2000, relating to education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 804, as introduced, Strom-Martin. Education.

(1) Existing law authorizes programs previously funded under the Alternative Child Care Act and for new programs funded pursuant to the Child Care and Development Services Act to operate pursuant to the regulations for child day care facilities under the California Community Care Facilities Act, and does not require those programs to be subject to specified regulations and related laws under certain circumstances.

This bill would delete those provisions.

(2) Under existing law, the Child Care Facilities Revolving Fund is established in the State Treasury to provide funding for the renovation, repair, or improvement of an existing building to make the building suitable for licensure for child care and development services and for the purchase of new relocatable child care facilities for lease to school districts and contracting agencies who provide child care and development services.

This bill would specify that school districts and county offices of education that operate a California School Age Families Education Program are eligible to apply for and receive funding from the fund.

(3) Existing law requires the State Department of Education to provide an independent appeal procedure to each contracting agency providing child care and development services. Existing law requires the procedure to be conducted by the Office of Administrative Hearing upon petition of the contracting agency under 3 specified circumstances.

This bill would revise 2 of those circumstances under which the Office of Administrative Hearing must conduct the appeal procedure.

(4) Under existing law, the Child Care and Employment Act establishes a child care fund in each local service delivery area to provide child care services for the children of parents in the service delivery area's job training and placement programs.

This bill would repeal the act.

(5) Existing law establishes a 3-year pilot project on infant home care for the purposes of developing and evaluating a model program for the recruitment, training, and monitoring of a network of infant care providers.

This bill would repeal the pilot project.

(6) Under existing law, the Child Care and Development Services Act requires that any contractor for child care and development programs and other specified programs that receives less than \$25,000 per year from any state agency to be audited biennially, unless otherwise specified.

This bill would increase the amount required for a biennial audit to \$300,000.

(7) Existing law authorizes the governing board of any school district conducting instruction for pupils in any grade level up to, and including, the completion of junior high school, to establish a program of affordably priced supervision for children before and after school



and apply to the State Department of Education for a grant for each program of up to \$4,000.

This bill would repeal the authorization for these child supervision programs and accompanying grants.

(8) Under existing law, the Educational Telecommunications Fund is established to provide funding for a governing board to establish telecommunication standards that will support the efficient sharing of school business and other matters. Under existing law, the fund becomes inoperative as of January 1, 2002.

This bill would extend the provisions relating to the fund until January 1, 2006.

(9) Existing law authorizes local educational agencies to submit proposals to the Superintendent of Public Instruction to fund activities that will increase the percentage of pupils at qualifying high schools that meet the requirements for admission to the California State University or the University of California. Existing law requires the Superintendent of Public Instruction to recommend, and the State Board of Education to approve, a plan for the comprehensive evaluation of programs authorized pursuant to the grant program. Existing law requires the superintendent to complete the evaluation and submit it to the board by July 1, 2003, and the board to submit the final evaluation and report to the Legislature by December 31, 2003. Existing law requires the act to become inoperative on July 1, 2004, and repealed as of January 1, 2005.

This bill would extend the dates of submission for those reports for one year and extend the inoperative and repeal dates of the act for one year.

(10) Existing law, the Leroy F. Greene School Facilities Act of 1998 (Green Act), provides funding to school districts to finance the construction and modernization of school facilities. Existing law requires the existing school building capacity in an applicant school district or, where appropriate, in the attendance area, at the time of initial application to be calculated pursuant to a prescribed formula that multiplies all permanent teaching stations existing in the district or attendance area by the assumed capacity of each calculated teaching station.

This bill would require that for purposes of multitrack year-round education programs implemented pursuant to the Year-Round School Grant Program, all teaching stations be counted using the assumed capacity provided in the Greene Act.



(11) Existing law requires the State Allocation Board to apportion from the State School Deferred Maintenance Fund to school districts an amount based upon a formula that utilizes the district's current-year revenue limit average daily attendance and units of average daily attendance.

This bill would base the amount on a formula that instead utilizes the district's 2nd prior fiscal year revenue limit average daily attendance and 2nd prior fiscal year average daily attendance.

(12) Under existing law, the Carl Washington School Safety and Violence Prevention Act states the intent of the Legislature that public schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools. Existing law requires the Superintendent of Public Instruction to provide funds to school districts serving the specified pupils.

This bill would make the act applicable to public schools and school districts serving pupils in any of grades 8 to 12, inclusive.

(13) Under the School Community Policing Partnership Act of 1988, the School/Law Enforcement Partnership is required to award grants to a school district, county office of education, or consortium to pay the costs for programs that apply a community policing approach to school crime and safety. Existing law provides that the grants shall be awarded for no more than \$300,000 for the 3-year grant period.

This bill would increase the grant period to 5 years.

(14) Under existing law, in the case of transfer of territory from one school district to another, the territory in which the election for reorganization is held must include the entire territory of the districts opposing the transfer if the transfer is opposed by the governing boards of one or more of the districts affected with an average daily attendance of 900 or less. Existing law requires that each of these opposing districts bear the additional cost of holding the election in that portion of its territory not otherwise included in the election.

This bill would instead require these procedures to take place if the transfer is opposed by the governing boards or one of more of the districts affected with an average daily attendance of 2,500 or less.

(15) Existing law establishes the Year-Round Grant Program to provide financial assistance to school districts implementing new multitrack year-round educational programs and districts that currently operate those programs. Existing law requires the Superintendent of

Public Instruction to establish criteria for the selection of implementation grant applicants to be funded, including the severity of school district overcrowding in excess of State Allocation Board or court-mandated pupil loading standards.

This bill would instead require the criteria to pertain to severity of district overcrowding in excess of specified pupil loading standards or class size reduction ratios.

Existing law authorizes a school district, commencing in the 1990–91 fiscal year, to apply for a year-round school grant under the program if, among other things, there is substantial overcrowding in the district or its high school attendance areas, as demonstrated by current enrollment, capacity of facilities, and growth projections.

This bill would authorize a district to apply for a year-round school grant commencing in the 2002–03 fiscal year, as demonstrated by enrollment of 115% of the capacity of facilities.

Existing law makes a school district eligible to construct new facilities under the Greene Act absent the use of multitrack year-round educational programs.

This bill would delete this eligibility.

Existing law makes implementation grants under the program available on a one-time basis for each new multitrack year-round schoolsite, subject to application approval, in an amount up to \$25 per pupil currently enrolled in the site planned for year-round operation.

This bill would increase the amount available per pupil to \$50.

Existing law requires, commencing in the 1990–91 fiscal year, that year-round school grants be awarded annually for the operation of multitrack year-round education programs to school districts that meet specified criteria.

The bill would require the grants to be awarded annually, commencing in the 2002–03 fiscal year.

Existing law requires a school district to make a certification for each fiscal year, based on prescribed standards, for each schoolsite for which a school district applies for funding under the program and establishes certain funding eligibility requirements.

This bill would require the district to make its certification by January 31 based on the second period attendance report and revises the funding eligibility requirements.

Existing law requires the Superintendent of Public Instruction to allocate to an applicant school district, for each qualifying schoolsite, an amount equal to the district's share of the product of the statewide

average cost avoided per pupil and establishes the calculations for determining a district's share of funds.

This bill would require the superintendent to allocate funds to an applicant school district in an amount equal to the district's share of the product of the statewide average for multitrack educational support costs per pupil and revise certain calculations for determining a district's share of funds.

Existing law requires the State Allocation Board to make certain calculations pertaining to the statewide average cost per pupil.

This bill would delete the requirements imposed on the State Allocation Board to calculate the statewide average cost per pupil.

Existing law provides that for the 1990–91 and 1991–92 fiscal years, the statewide average cost avoided per pupil is \$1,151.

This bill would provide that for the 2002–03 fiscal year, the statewide average for multitrack education support costs per pupil is \$650 plus any cost of living provided to support the program.

Existing law requires that, commencing with the 1991–92 fiscal year, the entire amount of funding to be allocated for each fiscal year pursuant to the program be allocated no later than December 31 of that fiscal year.

This bill would instead require, commencing with the 2002–03 fiscal year, that the entire amount of funding be allocated no later than March 1 of the following fiscal year.

Existing law requires that each school district that receives funding for a schoolsite under a year-round school grant, as specified, report on specified information to the Superintendent of Public Instruction no later than June 30 of that fiscal year. Existing law requires the superintendent to annually report certain information to the State Allocation Board.

This bill would delete these reporting requirements.

(16) Existing law authorizes the governing board of any school district to establish a retiree benefit fund for specified purposes.

This bill would instead authorize the board to establish a pension plan and other employee benefits fund for those same purposes.

(17) Existing law requires the Superintendent of Public Instruction to calculate district entitlements for economic impact aid based, in part, on the number of schoolage children from families that receive Aid to Families with Dependent Children. Existing law also requires school districts with low concentrations of economically disadvantaged pupils to allocate funds pursuant to a specified schedule.



This bill would instead base the calculations, in part, on the number of schoolage children who are eligible for free and reduced priced meals. The bill would also make a revision to the schedule for the allocation of funds by school districts with low concentrations of economically disadvantaged pupils.

(18) Existing law requires a publisher or manufacturer of instructional materials to comply with specified requirements for materials offered for adoption or sale in the state, including the right of the state to transcribe, reproduce, and distribute the material for deaf pupils and pupils with visual disabilities.

This bill would also require a publisher or manufacturer to provide the state with the right to transcribe, reproduce, modify, and distribute the materials for pupils with other disabilities that prevent the use of standard instructional materials. The bill would also require a publisher or manufacturer to provide computer files or other electronic versions of the materials to the state within 30 days of adoption and require the state to request those materials as needed for specified purposes. The bill would require the state to certify to the publisher or manufacturer that it will comply with certain restrictions relating to the use and duplication of the electronic copies and printed instructional materials.

(19) Existing law establishes the State Instructional Materials Fund in the State Treasury as a means of annually funding the acquisition of instructional materials. Existing law requires the State Board of Education to encumber part of the fund to pay for accessible instructional materials to accommodate pupils with visual disabilities.

This bill would instead require the state board to encumber the fund to pay for those materials to accommodate pupils who are visually impaired or who have disabilities and are unable to access the general curriculum.

(20) Existing law requires the Superintendent of Public Instruction to maintain a central clearinghouse-depository and duplication center for accessible versions of instructional materials and assistive devices and materials for visually impaired pupils.

This bill would also require that the depository and duplication center maintain accessible versions of instructional materials for pupils with other disabilities. The bill would also require that assistive devices in the depository to consist of items designed for use by pupils with visual impairments.

(21) Existing law establishes the Pilot Project for Categorical Program Flexibility under which a school district selected to participate



in the pilot project shall have the flexibility in the expenditure of the funding the district receives for specified categorical education programs. Existing law requires a participant school district to receive the same amount of funds for those specified programs constituting the school improvement and staff development cluster, the alternative and compensatory education cluster, or the school district improvement cluster while participating in the pilot project as the district received for those programs in the year prior to participation in the pilot project, plus growth and cost-of-living adjustments if approved in the annual Budget Act. Existing law also suspends funding for certain programs for the duration of a district's pilot program participation.

This bill would instead require school districts participating in the pilot project to continue to receive funding for those specified categorical education programs for which the district received funding in the 1999-2000 fiscal year. The bill would also suspend expansion funding, as defined, for certain programs for the duration of a district's pilot program participation.

(22) Existing law requires all schoolbuses manufactured on or after January 1, 2002, and purchased or leased for use in the state to be equipped at all designated seating positions with a combination pelvic and upper torso passenger restraint system, unless otherwise prohibited, as specified.

This bill would instead require schoolbuses manufactured on or after January 1, 2004, to be equipped with the restraint system.

(23) Existing law appropriates the sum of \$15,761,000 from the General Fund to the Superintendent of Public Instruction in accordance with a specified schedule, including \$62,000 to the Hilmar Unified School District for street access at Hilmar High School.

The bill would clarify that the funds are to be used for the purposes of street access at Hilmar Middle School.

(24) This bill would make technical and clarifying changes in other provisions of the Education Code.

(25) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



The people of the State of California do enact as follows:

SECTION 1. Section 8208 of the Education Code is amended to read:

8208. As used in this chapter:

(a) “Alternative payments” includes payments that are made by one child care agency to another agency or child care provider for the provision of child care and development services, and payments that are made by an agency to a parent for the parent’s purchase of child care and development services.

(b) “Alternative payment program” means a local government agency or nonprofit organization that has contracted with the department pursuant to Section 8220.2 to provide alternative payments and to provide support services to parents and providers.

(c) “Applicant or contracting agency” means a school district, community college district, college or university, county superintendent of schools, county, city, public agency, private nontax-exempt agency, private tax-exempt agency, or other entity that is authorized to establish, maintain, or operate services pursuant to this chapter. Private agencies and parent cooperatives, duly licensed by law, shall receive the same consideration as any other authorized entity with no loss of parental decisionmaking prerogatives as consistent with the provisions of this chapter.

(d) “Assigned reimbursement rate” is that rate established by the contract with the agency and is derived by dividing the total dollar amount of the contract by the minimum child day of average daily enrollment level of service required.

(e) “Attendance” means the number of children present at a child care and development facility. “Attendance,” for the purposes of reimbursement, includes excused absences by children because of illness, quarantine, illness or quarantine of their parent, family emergency, or to spend time with a parent or other relative as required by a court of law or that is clearly in the best interest of the child.

(f) “Capital outlay” means the amount paid for the renovation and repair of child care and development facilities to comply with state and local health and safety standards, and the amount paid for the state purchase of relocatable child care and development facilities for lease to qualifying contracting agencies.

(g) “Caregiver” means a person who provides direct care, supervision, and guidance to children in a child care and development facility.

(h) “Child care and development facility” means any residence or building or part thereof in which child care and development services are provided.

(i) “Child care and development programs” means those programs that offer a full range of services for children from infancy to 14 years of age, for any part of a day, by a public or private agency, in centers and family child care homes. These programs include, but are not limited to, all of the following:

(1) Campus child care and development.

(2) General child care and development.

(3) Intergenerational child care and development.

(4) Migrant worker child care and development.

(5) ~~Schoolage parenting and infant development~~ *California School Age Families Education Program (Article 7.1 (commencing with Section 54740) of Chapter 9 of Part 29.*

(6) State preschool.

(7) Resource and referral.

(8) Severely handicapped.

(9) Family day care.

(10) Alternative payment.

(11) Child abuse protection and prevention services.

(12) Schoolage community child care.

(j) “Child care and development services” means those services designed to meet a wide variety of needs of children and their families, while their parents or guardians are working, in training, seeking employment, incapacitated, or in need of respite. These services may include direct care and supervision, instructional activities, resource and referral programs, and alternative payment arrangements.

(k) “Children at risk of abuse, neglect, or exploitation” means children who are so identified in a written referral from a legal, medical, or social service agency, or emergency shelter.

(l) “Children with exceptional needs” means children who have been determined to be eligible for special education and related services by an individualized education program team according to the special education requirements contained in Part 30 (commencing with Section 56000), and meeting eligibility

1 criteria described in Section 56026 and Sections 56333 to 56338,
2 inclusive, and Sections 3030 and 3031 of Title 5 of the California
3 Code of Regulations. These children have an active individualized
4 education program, and are receiving appropriate special
5 education and services, unless they are under three years of age and
6 permissive special education programs are available. These
7 children may be developmentally disabled, hard-of-hearing, deaf,
8 speech impaired, visually handicapped, seriously emotionally
9 disturbed, orthopedically impaired, other health impaired,
10 deaf-blind, multihandicapped, or children with specific learning
11 disabilities, who require the special attention of adults in a child
12 care setting.

13 (m) “Children with special needs” includes infants and
14 toddlers under the age of three years;
15 limited-English-speaking-proficient children; children with
16 exceptional needs; limited-English-proficient handicapped
17 children; and children at risk of neglect, abuse, or exploitation.

18 (n) “Closedown costs” means reimbursements for all
19 approved activities associated with the closing of operations at the
20 end of each growing season for migrant child development
21 programs only.

22 (o) “Cost” includes, but is not limited to, expenditures that are
23 related to the operation of child care and development programs.
24 “Cost” may include a reasonable amount for state and local
25 contributions to employee benefits, including approved retirement
26 programs, agency administration, and any other reasonable
27 program operational costs. “Cost” may also include amounts for
28 licensable facilities in the community served by the program,
29 including lease payments or depreciation, down payments, and
30 payments of principal and interest on loans incurred to acquire,
31 rehabilitate, or construct licensable facilities, but these costs shall
32 not exceed fair market rents existing in the community in which
33 the facility is located. “Reasonable and necessary costs” are costs
34 that, in nature and amount, do not exceed what an ordinary prudent
35 person would incur in the conduct of a competitive business.

36 (p) “Elementary school,” as contained in Section 425 of Title
37 20 of the United States Code (the National Defense Education Act
38 of 1958, Public Law 85-864, as amended), includes early
39 childhood education programs and all child development



1 programs, for the purpose of the cancellation provisions of loans
2 to students in institutions of higher learning.

3 (q) “Health services” include, but are not limited to, all of the
4 following:

5 (1) Referral, whenever possible, to appropriate health care
6 providers able to provide continuity of medical care.

7 (2) Health screening and health treatment, including a full
8 range of immunization recorded on the appropriate state
9 immunization form to the extent provided by the Medi-Cal Act
10 (Chapter 7 (commencing with Section 14000) of Part 3 of Division
11 9 of the Welfare and Institutions Code) and the Child Health and
12 Disability Prevention Program (Article 6 (commencing with
13 Section 124025) of Chapter 3 of Part 2 of Division 106 of the
14 Health and Safety Code), but only to the extent that ongoing care
15 cannot be obtained utilizing community resources.

16 (3) Health education and training for children, parents, staff,
17 and providers.

18 (4) Followup treatment through referral to appropriate health
19 care agencies or individual health care professionals.

20 (r) “Higher educational institutions” means the Regents of the
21 University of California, the Trustees of the California State
22 University, the Board of Governors of the California Community
23 Colleges, and the governing bodies of any accredited private
24 nonprofit institution of postsecondary education.

25 (s) “Intergenerational staff” means persons of various
26 generations.

27 (t) “Limited-English-speaking-proficient and
28 non-English-speaking-proficient children” means children who
29 are unable to benefit fully from an English-only child care and
30 development program as a result of either of the following:

31 (1) Having used a language other than English when they first
32 began to speak.

33 (2) Having a language other than English predominantly or
34 exclusively spoken at home.

35 (u) “Parent” means any person living with a child who has
36 responsibility for the care and welfare of the child.

37 (v) “Program director” means a person who, pursuant to
38 Sections 8244 and 8360.1, is qualified to serve as a program
39 director.

(w) “Proprietary child care agency” means an organization or facility providing child care, which is operated for profit.

(x) “Resource and referral programs” means programs that provide information to parents, including referrals and coordination of community resources for parents and public or private providers of care. Services frequently include, but are not limited to: technical assistance for providers, toy-lending libraries, equipment-lending libraries, toy- and equipment-lending libraries, staff development programs, health and nutrition education, and referrals to social services.

(y) “Severely handicapped children” are children who require instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbance, or severe developmental disability. These children, ages birth to 21 years, inclusive, may be assessed by public school special education staff, regional center staff, or another appropriately licensed clinical professional.

(z) “Short-term respite child care” means child care service to assist families whose children have been identified through written referral from a legal, medical, or social service agency, or emergency shelter as being neglected, abused, exploited, or homeless, or at risk of being neglected, abused, exploited, or homeless. Child care is provided for less than 24 hours per day in child care centers, treatment centers for abusive parents, family child care homes, or in the child’s own home.

(aa) (1) “Site supervisor” means a person who, regardless of his or her title, has operational program responsibility for a child care and development program at a single site. A site supervisor shall hold a permit issued by the Commission on Teacher Credentialing that authorizes supervision of a child care and development program operating in a single site. The Superintendent of Public Instruction may waive the requirements of this subdivision if the superintendent determines that the existence of compelling need is appropriately documented.

(2) In respect to state preschool programs, a site supervisor may qualify under any of the provisions in this subdivision, or may qualify by holding an administrative credential or an administrative services credential. A person who meets the qualifications of a site supervisor under both Section 8244 and

1 subdivision (e) of Section 8360.1 is also qualified under this
2 subdivision.

3 (ab) “Standard reimbursement rate” means that rate
4 established by the Superintendent of Public Instruction pursuant
5 to Section 8265.

6 (ac) “Startup costs” means those expenses an agency incurs in
7 the process of opening a new or additional facility prior to the full
8 enrollment of children.

9 (ad) “State preschool services” means part-day educational
10 programs for low-income or otherwise disadvantaged
11 prekindergarten-age children.

12 (ae) “Support services” means those services which, when
13 combined with child care and development services, help promote
14 the healthy physical, mental, social, and emotional growth of
15 children. Support services include, but are not limited to:
16 protective services, parent training, provider and staff training,
17 transportation, parent and child counseling, child development
18 resource and referral services, and child placement counseling.

19 (af) “Teacher” means a person with the appropriate permit
20 issued by the Commission on Teacher Credentialing who provides
21 program supervision and instruction which includes supervision
22 of a number of aides, volunteers, and groups of children.

23 (ag) “Underserved area” means a county or subcounty area,
24 including, but not limited to, school districts, census tracts, or ZIP
25 Code areas, where the ratio of publicly subsidized child care and
26 development program services to the need for these services is low,
27 as determined by the Superintendent of Public Instruction.

28 (ah) “Workday” means the time that the parent requires
29 temporary care for a child for any of the following reasons:

30 (1) To undertake training in preparation for a job.

31 (2) To undertake or retain a job.

32 (3) To undertake other activities that are essential to
33 maintaining or improving the social and economic function of the
34 family, are beneficial to the community, or are required because of
35 health problems in the family.

36 SEC. 2. Section 8242 of the Education Code is amended to
37 read:

38 8242. ~~To promote greater program flexibility for center-based~~
39 ~~programs previously funded under the Alternative Child Care Act~~
40 ~~pursuant to former Chapter 2.5 (commencing with Section 8400)~~

1 ~~and for new programs funded pursuant to this chapter, such~~
2 ~~programs may operate pursuant to the regulations for child day~~
3 ~~care facilities under Chapter 3 (commencing with Section 1500)~~
4 ~~of Division 2 of the Health and Safety Code.~~

5 ~~Notwithstanding the provisions of Section 8360, these~~
6 ~~programs are not subject to regulations under Title 5 of the~~
7 ~~California Administrative Code and the laws upon which those~~
8 ~~regulations are promulgated if subsidized children comprise less~~
9 ~~than a majority of their enrollment at any given center.~~

10 ~~If~~ If there are no facilities in the area able to meet the special
11 needs of particular children, then the department may, upon
12 request, waive its regulations for staffing and group size ratios
13 under Title 5 of the California Administrative Code and the laws
14 upon which those regulations are promulgated for programs in
15 which subsidized children comprise a majority of the enrollment.

16 SEC. 3. Section 8264.5 of the Education Code is amended to
17 read:

18 8264.5. The Superintendent of Public Instruction may waive
19 or modify child development requirements in order to enable child
20 development programs to serve combinations of eligible children
21 in areas of low population. The child development programs for
22 which the superintendent may grant waivers shall include, but
23 need not be limited to, state preschool programs, ~~school-age~~
24 ~~parenting programs~~ *California School Age Families Education*
25 *Program (Article 7.1 (commencing with Section 54740) of*
26 *Chapter 9 of Part 29)*, infant care and development services,
27 migrant child care and development programs, campus child care
28 and development programs, and general child care and
29 development programs.

30 SEC. 4. Section 8278.3 of the Education Code is amended to
31 read:

32 8278.3. (a) (1) The Child Care Facilities Revolving Fund is
33 hereby established in the State Treasury to provide funding for the
34 renovation, repair, or improvement of an existing building to make
35 the building suitable for licensure for child care and development
36 services and for the purchase of new relocatable child care
37 facilities for lease to school districts and contracting agencies who
38 provide child care and development services, pursuant to this
39 chapter. The Superintendent of Public Instruction may transfer
40 state funds appropriated for child care facilities into this fund for

1 allocation to school districts and contracting agencies, as
2 specified, for the purchase, transportation, and installation of
3 facilities for replacement and expansion of capacity. School
4 districts and contracting agencies using facilities made available
5 by the use of these funds shall be charged a leasing fee, either at
6 a fair market value for those facilities or at an amount sufficient to
7 amortize the cost of purchase and relocation, whichever is lower,
8 over a 10-year period. Upon full repayment of the purchase and
9 relocation costs, title shall transfer from the State of California to
10 the school district or contracting agency. The Superintendent of
11 Public Instruction shall deposit all revenue derived from the lease
12 payments into the Child Care Facilities Revolving Fund.

13 (2) Notwithstanding Section 13340 of the Government Code,
14 all moneys in the fund, including moneys deposited from lease
15 payments, shall be continuously appropriated, without regard to
16 fiscal year, to the Superintendent of Public Instruction for
17 expenditure pursuant to this article.

18 (b) On or before November 30, 2000, the Superintendent of
19 Public Instruction shall submit a plan to the Office of the Secretary
20 for Education, the Department of Finance, and the Legislative
21 Analyst's Office. This plan shall specify the application
22 procedures to request funding for the renovation, repair, or
23 improvement of an existing building to make the building suitable
24 for licensure for child care and development services, the
25 allowable uses of the funds, and the form of the agreement,
26 including, but not necessarily limited to, provisions to protect the
27 state's interest, including provisions relating to maintenance and
28 the event of contract termination.

29 (c) On or before August 1, 1998, and on or before August 1 of
30 each fiscal year thereafter, the Superintendent of Public
31 Instruction shall submit to the Office of the Secretary for
32 Education, the Department of Finance, and the Legislative
33 Analyst's Office a report detailing the number of funding requests
34 received and their purpose, the types of agencies which received
35 this facilities funding, the increased capacity that these facilities
36 generated, a description of how the facilities are being used, and
37 a projection of the lease payments collected and the funds available
38 for future use.

39 (d) *School districts and county offices of education that operate*
40 *a Cal-SAFE program pursuant to Article 7.1 (commencing with*



1 *Section 54740) of Chapter 9 of Part 29 are eligible to apply for and*
2 *receive funding pursuant to this section.*

3 SEC. 5. Section 8402 of the Education Code is amended to
4 read:

5 8402. The State Department of Education shall provide an
6 independent appeal procedure to each contracting agency
7 providing child care and development services pursuant to Section
8 8262. Prior to filing an appeal petition, the contracting agency
9 shall have submitted all previously required standard monthly or
10 quarterly reporting forms to the State Department of Education.
11 The appeal procedure shall be conducted by the Office of
12 Administrative Hearings and shall be provided upon petition of the
13 contracting agency in any of the following circumstances:

14 (a) Termination or suspension of a contracting agency's
15 contract.

16 (b) Denial of more than ~~4 percent or twenty-five thousand~~
17 ~~dollars (\$25,000), whichever is less~~ 8 percent or fifty thousand
18 dollars (\$50,000), whichever is more, of a local contracting
19 agency's contracted payment for services schedule.

20 (c) Demand for remittance of an overpayment of more than 4
21 ~~percent or twenty-five thousand dollars (\$25,000), whichever is~~
22 ~~less~~ 8 percent or fifty thousand dollars (\$50,000), whichever is
23 more, of a local contracting agency's annual contract.

24 SEC. 6. Article 19 (commencing with Section 8420) of
25 Chapter 2 of Part 6 of the Education Code is repealed.

26 SEC. 7. Article 19.5 (commencing with Section 8430) of
27 Chapter 2 of Part 6 of the Education Code is repealed.

28 SEC. 8. Section 8448 of the Education Code is amended to
29 read:

30 8448. As used in this article:

31 (a) "Financial and compliance audit" means a systematic
32 review or appraisal to determine each of the following:

33 (1) Whether the financial statements of an audited organization
34 fairly present the financial position and the results of financial
35 operations in accordance with generally accepted accounting
36 principles.

37 (2) Whether the organization has complied with laws and
38 regulations that may have a material effect upon the financial
39 statements.

1 (b) “Public accountants” means certified public accountants,
2 or state licensed public accountants.

3 (c) “Independent auditors” means public accountants who
4 have no direct or indirect relationship with the functions or
5 activities being audited or with the business conducted by any of
6 the officials or contractors being audited.

7 (d) “Generally accepted auditing standards” means the
8 auditing standards set forth in the financial and compliance
9 element of the “Standards for Audit of Governmental
10 Organization, Programs, Activities, and Functions” issued by the
11 Comptroller General of the United States and incorporating the
12 audit standards of the American Institute of Certified Public
13 Accountants.

14 (e) “Direct service contract” means any contract with any
15 public or private entity for child care and development programs,
16 resource and referral programs, and programs contracting to
17 provide support services as defined in Section 8208.

18 (f) “Nonprofit organization” means an organization described
19 in Section 501(c)(3) of the Internal Revenue Code of 1954 which
20 is exempt from taxation under Section 501(a) of that code, or any
21 nonprofit, scientific, or educational organization qualified under
22 Section 23701d of the Revenue and Taxation Code.

23 (g) Annually, there shall be a single independent financial and
24 compliance audit of organizations that contract with the state
25 under a direct service contract. Any such audit shall include an
26 evaluation of the accounting and control systems of the direct
27 service contractor and of the activities by the contractor to comply
28 with the financial requirements of direct service contracts received
29 by the contractor from the state agency. The financial and
30 compliance requirements to be reviewed during the audit shall be
31 those developed and published by the State Department of
32 Education in consultation with the Department of Finance and the
33 Auditor General. Audits carried out pursuant to this section shall
34 be audits of the contractor rather than audits of individual contracts
35 or programs. In the case of any contractor that receives less than
36 ~~twenty-five thousand dollars (\$25,000)~~ *three hundred thousand*
37 *dollars (\$300,000)* per year from any state agency, the audit
38 required by this section shall be conducted biennially, unless there
39 is evidence of fraud or other violation of state law in connection

with the direct service contract. The cost of the audit may be included in direct service contracts.

The organization receiving funds from the state shall be responsible for obtaining the required financial and compliance audits of the organization and any subcontractors, except for direct service subcontracts and other subcontracts exempt from State Department of Education review, as agreed to by the Departments of Finance and General Services. The audits shall be made by independent auditors in accordance with generally accepted auditing standards. The audit shall be completed by the 15th day of the fifth month following the end of the contractor's fiscal year. A copy of the required audit will be filed with the State Department of Education upon its completion. In the event an audit is not filed, the State Department of Education will notify the organization of the contract violation. The audit report filed will be an integral part of the direct service contract file.

(i) (1) Nothing in this article limits the authority of the State Department of Education to make audits of direct service contracts. However, if independent audits arranged for by direct service contractors meet generally accepted auditing standards, the State Department of Education shall rely on those audits and any additional audit work shall build upon the work already done.

(2) Nothing in this article precludes the state from conducting, or contracting for the conduct of, contract performance audits which are not financial and compliance audits.

(3) Nothing in this article limits the state's responsibility or authority to enforce state law or regulations, procedures, or reporting requirements arising pursuant thereto.

(4) Nothing in this article limits the responsibility of the State Department of Education to provide an independent appeal procedure according to the provisions of the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 9. Article 23 (commencing with Section 8485) of Chapter 2 of Part 6 of the Education Code is repealed.

SEC. 10. Section 10554 of the Education Code is amended to read:

10554. (a) In order for the governing board to carry out its responsibilities pursuant to this chapter, there is hereby established the Educational Telecommunication Fund. The amount of moneys

1 to be deposited in the fund shall be the amount of any offset made
2 to the principal apportionments made pursuant to Sections 1909,
3 2558, 42238, 52616, Article 1.5 (commencing with Section
4 52335) of Chapter 9 of Part 28, and Chapter 7.2 (commencing with
5 Section 56836) of Part 30, based on a finding that these
6 apportionments were not in accordance with law. The maximum
7 amount that may be annually deposited in the fund from the offset
8 shall be ten million dollars (\$10,000,000). The Controller shall
9 establish an account to receive and expend moneys in the fund. The
10 placement of the moneys in the fund shall occur only upon a
11 finding by the Superintendent of Public Instruction and the
12 Director of Finance that the principal apportionments made
13 pursuant to Sections 1909, 2558, 42238, 52616, and Article 1.5
14 (commencing with Section 52335) of Chapter 9 of Part 28, and
15 Chapter 7.2 (commencing with Section 56836) of Part 30 were not
16 in accordance with existing law and were so identified pursuant to
17 Sections 1624, 14506, 41020, 41020.2, 41320, 42127.2, and
18 42127.3, or an independent audit that was approved by the State
19 Department of Education.

20 (b) Moneys in the fund established pursuant to subdivision (a)
21 shall only be available for expenditure upon appropriation by the
22 Legislature in the Budget Act.

23 (c) The moneys in the fund established pursuant to subdivision
24 (a) may be expended by the governing board to carry out the
25 purposes of this chapter, including for the following purposes:

26 (1) To support the activities of the team established pursuant to
27 subdivision (c) of Section 10551.

28 (2) To assist the school districts and county superintendents of
29 schools in purchasing both hardware and software to allow school
30 districts, county superintendents of schools, and the State
31 Department of Education to be linked for school business and
32 administrative purposes. The governing board shall establish a
33 matching share requirement that applicant school districts and
34 county superintendents of schools must fulfill to receive those
35 funds. It is the intent of the Legislature to encourage the
36 distribution of grants to school districts and county
37 superintendents of schools to the widest extent possible.

38 (3) To provide technical assistance through county offices of
39 education to school districts in implementing the standards
40 established pursuant to subdivision (a) of Section 10552.



(d) This section shall ~~become inoperative as of January 1, 2002~~
remain in effect only until January 1, 2006, and as of that date is
repealed, unless a later enacted statute, that is enacted before
January 1, 2006, deletes or extends that date.

SEC. 11. Section 11023 of the Education Code is amended to
read:

11023. The Superintendent of Public Instruction, shall
recommend, and the State Board of Education shall approve, a
plan for the comprehensive evaluation of the program authorized
in this chapter. The Superintendent of Public Instruction shall
complete the evaluation and submit it to the State Board of
Education by July 1, ~~2003~~ 2004. The State Board of Education
shall submit the final evaluation and report to the Legislature by
December 31, ~~2003~~ 2004, on all of the following:

(a) Changes in the number and percent of pupils who took
nationally-normed, standardized tests used for college admission
decisions.

(b) Changes in the school-wide average score on
nationally-normed, standardized tests used for college admission
decisions.

(c) Changes in the number and percentage of pupils who
complete the A-F or college preparatory course requirements with
at least a “C” grade.

(d) Changes in the number and percentage of pupils who
complete advanced placement courses and received a score of “3”
or above.

(e) Changes in the number of advanced placement courses
taken by pupils.

(f) Changes in the number and percentage of parents or
guardians of 8th grade pupils who were notified of the course
requirements that are a prerequisite for admission to the California
State University or the University of California.

(g) The college participation rates at qualifying schools before
and after the implementation of program activities pursuant to this
chapter.

(h) Recommendations for changes to this chapter that could
further increase the percentage of high school pupils eligible for
admission to the California State University or the University of
California upon graduation from high school.

1 SEC. 12. Section 11024.5 of the Education Code is amended
2 to read:

3 11024.5. This chapter shall become inoperative on July 1,
4 ~~2004~~ 2005, and, as of January 1, ~~2005~~ 2006, is repealed, unless a
5 later enacted statute that is enacted before January 1, 2005, deletes
6 or extends the dates on which it becomes inoperative and is
7 repealed.

8 SEC. 13. Section 17071.50 is added to the Education Code,
9 to read:

10 17071.50. For purposes of multitrack year-round education
11 programs implemented pursuant to Section 42260, all teaching
12 stations shall be counted using the assumed capacity, as established
13 pursuant to paragraph (2) of subdivision (a) of Section 17071.25.
14 For purposes of this section, “teaching station” means any space
15 that was constructed or reconstructed to serve as an area in which
16 to provide pupil instruction, including rented, leased, or
17 lease-purchased portables and classrooms that are less than 700
18 interior square feet.

19 SEC. 14. Section 17150 of the Education Code is amended to
20 read:

21 17150. (a) Upon the approval by the governing board of the
22 school district to proceed with the issuance of certificates of
23 participation revenue bonds or to enter into any agreement for
24 financing school construction pursuant to Chapter 28
25 ~~(commencing with Section 17870)~~ 18 *(commencing with Section*
26 *17170)*, the school district shall notify the county superintendent
27 of schools and the county auditor. The superintendent of the school
28 district shall provide the repayment schedules for that debt
29 obligation, and evidence of the ability of the school district to
30 repay that obligation, to the county auditor, the county
31 superintendent, the governing board, and the public. Within 15
32 days of the receipt of the information, the county superintendent
33 of schools and the county auditor may comment publicly to the
34 governing board of the school district regarding the capability of
35 the school district to repay that debt obligation.

36 (b) Upon the approval by the county board of education to
37 proceed with the issuance of certificates of participation or
38 revenue bonds or to enter into any agreement for financing
39 pursuant to Chapter 28 ~~(commencing with Section 17870)~~ 18
40 *(commencing with Section 17170)*, the county superintendent of



schools or superintendent of a school district for which the county board serves as governing board shall notify the Superintendent of Public Instruction. The county superintendent of schools or the superintendent of a school district for which the county board serves as the governing board shall provide the repayment schedules for that debt obligation and evidence of the ability of the county office of education or school district to repay that obligation, to the Superintendent of Public Instruction, the governing board, and the public. Within 15 days of the receipt of the information the Superintendent of Public Instruction may comment publicly to the county board of education regarding the capability of the county office of education or school district to repay that debt obligation.

(c) Prior to delivery of the notice required by subdivision (a) neither the county nor any of its officers shall have any responsibility for the administration of the school district's indebtedness. Failure to comply with the requirements of this section will not affect the validity of the indebtedness.

SEC. 15. Section 17584 of the Education Code is amended to read:

17584. (a) Whenever, in any given fiscal year, a school district has budgeted, exclusive of state matching funds and district funds previously matched pursuant to subdivision (b), in its deferred maintenance fund established pursuant to Section 17582 an amount equal to, or greater than, that amount the district expended from its general fund for major maintenance, repair, or modernization of existing school buildings, as specified in Section 17582, exclusive of categorical aid funds and any proceeds from the sale of district property which were expended for the purpose of the district deferred maintenance account, in either the 1978–79 or 1979–80 fiscal year, adjusted annually to the current fiscal year in conformance with the percentage change in the district revenue limit computed pursuant to Section 42237 or 42238, the Superintendent of Public Instruction shall so certify to the State Allocation Board.

(b) The State Allocation Board shall apportion, from the State School Deferred Maintenance Fund, to school districts an amount equal to one dollar (\$1) for each one dollar (\$1) of local funds up to a maximum of $1\frac{1}{2}$ percent of the district's ~~current-year~~ *second prior fiscal year* revenue limit average daily attendance multiplied

1 by the average, per unit of *second prior fiscal year* average daily
2 attendance, of the total expenditures and ending fund balances of
3 the total general funds and adult education funds for districts of
4 similar size and type, as defined in subdivision (b) of Section
5 42238.4, for the second prior fiscal year, exclusive of any amounts
6 expended for capital outlay or debt service, to the extent of funds
7 available.

8 (c) Notwithstanding subdivision (a), in order to be eligible to
9 receive state aid pursuant to subdivision (b), no district shall be
10 required to budget from local district funds an amount greater than
11 $\frac{1}{2}$ percent of the district's current-year revenue limit average daily
12 attendance, multiplied by the average, per unit of average daily
13 attendance, of the total expenditures and ending fund balances of
14 the total general funds and adult education funds for districts of
15 similar size and type, as defined in subdivision (b) of Section
16 42238.4 for the second prior fiscal year, exclusive of any amounts
17 expended for capital outlay or debt service.

18 SEC. 16. Section 32228 of the Education Code is amended to
19 read:

20 32228. (a) It is the intent of the Legislature that public
21 schools serving pupils in ~~kindergarten or any of grades 1 to 12~~ *any*
22 *of grades 8 to 12*, inclusive, have access to supplemental resources
23 to establish programs and strategies that promote school safety and
24 emphasize violence prevention among children and youth in the
25 public schools.

26 (b) It is also the intent of the Legislature that public schools
27 have access to supplemental resources to combat bias on the basis
28 of race, color, religion, ancestry, national origin, disability, gender,
29 or sexual orientation, as defined in subdivision (q) of Section
30 12926 of the Government Code, and to prevent and respond to acts
31 of hate violence and bias related incidents. Sexual orientation shall
32 not include pedophilia.

33 (c) It is further the intent of the Legislature that schoolsites
34 receiving funds pursuant to this article accomplish all of the
35 following goals:

36 (1) Teach pupils techniques for resolving conflicts without
37 violence.

38 (2) Train school staff and administrators to support and
39 promote conflict resolution and mediation techniques for
40 resolving conflicts between and among pupils.

(3) Reduce incidents of violence at the schoolsite with an emphasis on prevention and early detection.

SEC. 17. Section 32228.1 of the Education Code is amended to read:

32228.1. (a) The School Safety and Violence Prevention Act is hereby established. This statewide program shall be administered by the Superintendent of Public Instruction, who shall provide funds to school districts serving pupils in ~~kindergarten or any of grades 1 to 12~~ *any of grades 8 to 12*, inclusive, for the purpose of promoting school safety and reducing schoolsite violence. As a condition of receiving funds pursuant to this article, an eligible school district shall certify, on forms and in a manner required by the Superintendent of Public Instruction, that the funds will be used as described.

(b) From funds appropriated in the annual Budget Act or any other measure, funds shall be allocated to school districts on the basis of prior year enrollment, as reported by the California Basic Educational Data System, of pupils in ~~kindergarten or any of grades 1 to 12~~ *any of grades 8 to 12*, inclusive, for any one or more of the following purposes:

(1) Providing schools with personnel, including, but not limited to, licensed or certificated school counselors, school social workers, school nurses, and school psychologists, who are trained in conflict resolution. Any law enforcement personnel hired pursuant to this article shall be trained and sworn peace officers.

(2) Providing effective and accessible on-campus communication devices and other school safety infrastructure needs.

(3) Establishing an in-service training program for school staff to learn to identify at-risk pupils, to communicate effectively with those pupils, and to refer those pupils to appropriate counseling.

(4) Establishing cooperative arrangements with local law enforcement agencies for appropriate school-community relationships.

(5) Preventing and responding to acts of hate violence and bias related incidents, including implementation of programs and instructional curricula consistent with the goals set forth in this section and guidelines developed pursuant to paragraph (1) of subdivision (b) of Section 233.

(6) For any other purpose that the school or school district determines that would materially contribute to meeting the goals and objectives of current law in providing for safe schools and preventing violence among pupils.

SEC. 18. Section 32296.7 of the Education Code is amended to read:

32296.7. The School/Law Enforcement Partnership shall award grants to a school district, county office of education, or a consortium to pay the costs of establishing and operating, on behalf of one or more qualifying schools within the school district, county office of education, or consortium, programs that apply a community policing approach to school crime and safety, as follows:

(a) Grants may be awarded to school districts, county offices of education, or consortia that have demonstrated readiness to begin operation of a program or to expand existing programs. Grants shall supplement, not supplant, existing programs.

(b) Grants shall be awarded for no more than three hundred thousand dollars (\$300,000) for ~~the three-year~~ *up to a five-year* grant period.

(c) Recipients of grants may also receive one-time startup grants, in addition to the base grant, that may be used, among other things, for purchasing equipment, hiring staff, designing a program evaluation, or hiring a program or evaluation consultant. Startup grants shall be awarded for not more than one hundred thousand dollars (\$100,000).

(d) All grants awarded under this article shall be matched by the participating local educational agency or consortium and its cooperating agencies with one dollar (\$1) for each four dollars (\$4) awarded. The match shall be contributed in cash or as services or resources of comparable value. It is the intent of the Legislature that participants seek and utilize funds or resources for this purpose. The School/Law Enforcement Partnership may waive the match requirement upon verifying that the local educational agency or consortium made a substantial effort to secure a match but was unable to secure the required match.

(e) Pursuant to this article, the School/Law Enforcement Partnership shall award competitive grants to school districts and county offices of education or consortia in urban, suburban, and rural areas of northern, central, and southern California.

(f) Grants shall be awarded for programs that demonstrate the greatest need and meet the criteria for the program pursuant to Section 32296.5 for a school safety grant under this article. The School/Law Enforcement Partnership shall consider the latest school crime data for the school or schools in which the program will operate when determining that need.

(g) Commencing in the 1998–99 fiscal year, and each subsequent year for which funding is available, grants shall be awarded according to the following schedule:

(1) The School/Law Enforcement Partnership shall issue requests for applications on or before November 1.

(2) Grant applications shall be submitted to the School/Law Enforcement Partnership on or before March 1.

(3) The School/Law Enforcement Partnership shall award grants on or before May 15.

SEC. 19. Section 32296.9 of the Education Code is amended to read:

32296.9. It is the intent of the Legislature that funding for the School Community Policing Partnership Grant Program established pursuant to this article shall be provided through the annual Budget Act and that grants shall be for a period of ~~three~~ five years.

SEC. 20. Section 35756.5 of the Education Code is amended to read:

35756.5. In the case of the transfer of territory from one district to another, if the transfer is opposed by the governing boards of one or more of the districts affected with an average daily attendance of ~~900~~ 2,500 or less, the territory in which the election is held shall include the entire territory of the districts opposing the transfer. Each district with an average daily attendance of ~~900~~ 2,500 or less which is included in an election because of the objection of its governing board to the transfer shall bear the additional cost of holding the election in that portion of its territory not otherwise included in the election. When a majority of the votes cast in the school district opposing the transfer and a majority of the votes cast in the entire territory in which the election is held are in favor of the reorganization, the proposal carries.

SEC. 21. Section 41409 of the Education Code is amended to read:

41409. (a) Commencing with the 1988–89 fiscal year, and annually thereafter, the Superintendent of Public Instruction shall determine the statewide average percentage of school district expenditures that are allocated to the salaries of administrative personnel, as that term is defined in ~~Sections~~ *accounts* 1200, 1300, 1700, 1800, and 2200 *in Part I* of the California School Accounting Manual published by the State Department of Education. *For school districts using the Standardized Account Code Structure, the term salaries of administrative personnel are defined in object accounts 1300 and 2300 in Part II of the California School Accounting Manual.* The Superintendent of Public Instruction also shall determine the statewide average percentage of school district expenditures that are allocated to the salaries of teachers, as defined in ~~Section 1100~~ *account 1100 in Parts I and II* of the California School Accounting Manual. The statewide averages shall be calculated for the following types and sizes of school districts:

District	ADA
Elementary	less than 1,000
Elementary	1,000 to 4,999
Elementary	5,000 and greater
High School	less than 1,000
High School	1,000 to 3,999
High School	4,000 and greater
Unified	less than 1,500
Unified	1,500 to 4,999
Unified	5,000 to 9,999
Unified	10,000 to 19,999
Unified	20,000 and greater

(b) Commencing with the 1988–89 fiscal year, and annually thereafter, the Superintendent of Public Instruction shall determine the statewide average salary, by size and type of district, for the following:

- (1) Beginning, mid-range, and highest salary paid to teachers.
- (2) Schoolsite principals.
- (3) District superintendents.

(c) The statewide averages calculated pursuant to subdivisions (a) and (b) shall be provided annually to each school district for use

1 in the school accountability report card. A copy of the state
2 summary information shall be submitted annually to the
3 Legislature, the Governor, the Department of Finance, and the
4 office of the Legislative Analyst.

5 SEC. 22. Section 42260 of the Education Code is amended to
6 read:

7 42260. (a) There is hereby established the Year-Round
8 School Grant Program to provide financial assistance to both
9 school districts implementing new multitrack year-round
10 educational programs and school districts that currently operate
11 those programs.

12 (b) The grant program shall be administered by the
13 Superintendent of Public Instruction. The superintendent shall
14 award grants separately under this article for the implementation
15 of multitrack year-round school programs and for year-round
16 operation purposes.

17 (c) The Superintendent of Public Instruction shall establish
18 criteria for the selection of implementation grant applicants to be
19 funded. The criteria shall include, but not be limited to, all of the
20 following:

21 (1) Severity of school district overcrowding in excess of ~~State~~
22 ~~Allocation Board or court-mandated pupil loading standards~~ *the*
23 *pupil loading standards of 25 pupils for each teaching station for*
24 *kindergarten and grades 1 to 6, inclusive, 27 pupils for each*
25 *teaching station for grades 7 to 12, inclusive, and 9 pupils with*
26 *severe disabilities and 13 pupils with nonsevere disabilities for*
27 *each teaching station for special education programs for*
28 *kindergarten and grades 1 to 12, inclusive, or the class size*
29 *reduction ratio of 20 pupils to 1 teacher with a resolution passed*
30 *by the school district stating that the ratio is exceeded.*

31 (2) The amount of overcrowding that would be alleviated by
32 the implementation of multitrack year-round educational
33 programs, as proposed in the school district's grant application
34 proposal.

35 (3) The lack of other educationally sound alternatives to
36 multitrack year-round educational programs to reduce
37 overcrowding in the applicant school district.

38 (d) For the purposes of this section, "multitrack year-round
39 school" means a school that the applicant district demonstrates has
40 satisfied both of the following criteria:

(1) The pupils are divided into three or more groups or tracks that rotate attendance so that for a majority of the schooldays during the school year, at least one group or track is not in attendance at the school while all other groups or tracks are in attendance.

(2) The operation of the school on a multitrack year-round calendar has increased the enrollment capacity of the school.

SEC. 23. Section 42261 of the Education Code is amended to read:

42261. Commencing in the ~~1990-91~~ 2002-03 fiscal year, a school district may apply for a year-round school grant pursuant to this article, if the school district demonstrates to the Superintendent of Public Instruction all of the following:

(a) There is substantial overcrowding in the school district or its high school attendance areas, as demonstrated by ~~current enrollment~~, *enrollment of 115 percent of the capacity of facilities*, and growth projections.

(b) The school district will use the grant to implement or operate multitrack year-round educational programs in one or more of its schools in order to increase the capacity of its facilities.

~~(c) The school district would be eligible to construct new facilities under Chapter 12.5 (commencing with Section 17070.10) of Part 10 absent the use of multitrack year-round educational programs.~~

SEC. 24. Section 42262 of the Education Code is amended to read:

42262. (a) Year-round school grants awarded under this article for purposes of the implementation of multitrack year-round school programs shall be expended for the following purposes:

(1) Planning, including community activities, necessary for that implementation.

(2) One-time minor capital outlay and equipment associated with converting school facilities to multitrack year-round operation.

(3) Deferred maintenance on facilities proposed for multitrack year-round operation.

(4) Other necessary activities associated with conversion to multitrack year-round operations, including, but not limited to,

1 curriculum revision and scheduling changes and staff
2 development.

3 (b) These implementation grants are available on a one-time
4 basis for each new multitrack year-round schoolsite, subject to
5 application approval, in an amount up to ~~twenty-five~~ *fifty* dollars
6 ~~(\$25)~~ (\$50) per pupil currently enrolled in the site planned for
7 year-round operation, as that pupil enrollment is identified in the
8 CBEDS report transmitted to the State Department of Education
9 by the school district.

10 For purposes of this subdivision, “CBEDS report” means the
11 report transmitted by school districts to the State Department of
12 Education for purposes of the California Basic Education Data
13 System that exists within the department and is based upon a single
14 annual collection of data about school staff and pupil enrollment
15 conducted by the department for reporting, program management,
16 and planning purposes.

17 The superintendent may approve all or any portion of an
18 application for an implementation grant, as described in
19 subdivision (a) of this section, up to a maximum of one hundred
20 thousand dollars (\$100,000) per schoolsite. If the applications
21 submitted exceed the appropriations available for this purpose, the
22 amount per pupil shall be prorated by an equal amount.

23 (c) If a schoolsite does not operate on a multitrack year-round
24 basis in the second subsequent fiscal year following receipt of a
25 year-round implementation grant pursuant to this section, the
26 school district shall repay the implementation grant received for
27 that schoolsite, plus interest that the repayment amount would
28 have earned in the Pooled Money Investment Fund, within one
29 year following the date on which the schoolsite was to begin to
30 operate on a multitrack year-round basis. If the grant, plus interest,
31 is not repaid within the one-year period, the Superintendent of
32 Public Instruction shall withhold the total amount owed pursuant
33 to this subdivision from the apportionment to be made to that
34 district calculated pursuant to Section 42238.

35 SEC. 25. Section 42263 of the Education Code is amended to
36 read:

37 42263. (a) Commencing in the ~~1990–91~~ 2002–03 fiscal year,
38 year-round school grants, in addition to those grants authorized
39 under Section 42262, shall be awarded annually for the operation
40 of multitrack year-round education programs to school districts

that meet the criteria specified in this section, in addition to the criteria otherwise applicable under this article.

(b) For each fiscal year, for each schoolsite for which a school district applies for funding under this article, the district shall certify *by January 31* the number of pupils in excess of the capacity of ~~the each~~ schoolsite, as determined by ~~State Allocation Board or court-mandated pupil-loading standards~~ *the second period (P2) attendance report, in accordance with paragraph (1) of subdivision (c) of Section 42260*, for which the district elects to claim funding under this article. The excess pupil capacity calculated for purposes of this subdivision shall reflect only the additional capacity that has been generated as a result of operation on a multitrack year-round basis, and shall not reflect increased capacity generated by any other means. A school district shall be eligible for funding under this section only as to any schoolsite for which the pupil population certified by the district exceeds the capacity of the schoolsite by not less than 5 percent.

(c) To the extent funding is made available for the purposes of this section, the Superintendent of Public Instruction shall allocate to an applicant school district, for each schoolsite that qualifies for funding under subdivision (b), an amount equal to the district's share of the product of the statewide average ~~cost avoided per pupil~~ *for multitrack educational support costs per pupil*, as established under subdivision (e), and the number of pupils certified by the district under subdivision (b). For purposes of this subdivision, a district's share shall be determined according to the percentage by which the number of certified pupils reflects an increase in the capacity of the schoolsite, as follows:

	District's Share
1. Less than 5% 15%	0%
2. Equal to or greater than 5% but less than 10%	50%
3. Equal to or greater than 10% but less than 15%	67%
4. Equal to or greater than 15% but less than 20%	75%

5.

3. Equal to or greater than 20% but
less than 25%

85%

6.

4. Equal to or greater than 25%

90%

(d) ~~(1) The State Allocation Board shall calculate the statewide average cost avoided per pupil under Chapter 12.5 (commencing with Section 17070.10) of Part 10 through the operation of school facilities on a multitrack year-round basis, based on the following school facilities cost components:~~

~~(A) The cost of facilities construction.~~

~~(B) The cost of land acquisition.~~

~~(C) Relocation costs in connection with land acquisition.~~

~~(D) State costs incurred as a result of interest that would be paid by the state for debt service on state general obligation bond financing to construct new school facilities under Chapter 12.5 (commencing with Section 17070.10) of Part 10.~~

~~(2) The calculation of costs under subparagraphs (B) and (C) of paragraph (1) shall exclude data from the lowest quartile and the highest quartile.~~

~~(3) The State Allocation Board shall calculate the statewide average cost avoided per pupil, pursuant to this subdivision, on the basis of the 1990-91 and 1991-92 fiscal years and every two-year period thereafter. No later than December 1, 1992, and biennially thereafter, the board shall report to the Legislature the result of its calculation for the prior two-year period. If the applications submitted exceed the appropriations available for the purposes of subdivision (c), the amount for multitrack educational support costs per pupil shall be prorated to provide an equal amount for each pupil.~~

~~(e) For the 1990-91 and 1991-92 2002-03 fiscal years year, the "statewide average cost avoided per pupil for multitrack education support costs per pupil," for purposes of this section, shall be one thousand one hundred fifty one dollars (\$1,151) six hundred and fifty dollars (\$650) plus any cost-of-living adjustment (COLA) provided to this support program. For the 1992-93 fiscal year, and each fiscal year thereafter, the "statewide average cost avoided per pupil" shall be established by the statute that~~

1 appropriates funding for the purposes of this section for that fiscal
2 year.

3 SEC. 26. Section 42265 of the Education Code is repealed.
4 ~~42265. Notwithstanding subdivision (b) of Section 42260, a~~
5 ~~district that applies for funding for the first year of operation of a~~
6 ~~schoolsite on a multitrack year-round basis shall be eligible for~~
7 ~~funding to the extent that the estimated pupil population certified~~
8 ~~by the district exceeds the capacity of the schoolsite by not less~~
9 ~~than 5 percent, regardless of whether or not the actual pupil~~
10 ~~population is subsequently determined to meet or exceed that~~
11 ~~excess capacity standard. The reduction of building area eligibility~~
12 ~~required under Section 17746.8 shall apply on the basis of the~~
13 ~~estimated, rather than the actual, pupil population certified by the~~
14 ~~district for that year of operation.~~

15 SEC. 27. Section 42266 of the Education Code is amended
16 and renumbered to read:

17 ~~42266.~~

18 ~~42265.~~ (a) The funding allocated by the Superintendent of
19 Public Instruction pursuant to Section 42263 shall be allocated in
20 accordance with paragraph (5) of subdivision (a) of Section
21 14041.

22 (b) Commencing with the ~~1991-92~~ 2002-03 fiscal year, the
23 entire amount of funding to be allocated pursuant to Section 42262
24 for each fiscal year shall be allocated no later than ~~December 31~~
25 ~~of that March 1 of the following~~ fiscal year.

26 SEC. 28. Section 42267 of the Education Code is repealed.
27 ~~42267. (a) Each school district that receives funding for a~~
28 ~~schoolsite pursuant to Section 42263 for any fiscal year shall~~
29 ~~report to the Superintendent of Public Instruction, no later than~~
30 ~~June 30 of that fiscal year, the number of pupils enrolled for the~~
31 ~~schoolsite in excess of the capacity of the schoolsite, as determined~~
32 ~~by State Allocation Board or court-mandated pupil-loading~~
33 ~~standards.~~

34 (b) ~~The amount of funding otherwise calculated for a schoolsite~~
35 ~~for any fiscal year pursuant to Section 42263 shall be reduced by~~
36 ~~the superintendent to reflect the extent to which the number of~~
37 ~~pupils estimated for that schoolsite for the prior fiscal year is~~
38 ~~greater than the number of pupils certified in excess of the capacity~~
39 ~~of the schoolsite for that prior fiscal year. If the amount of that~~
40 ~~reduction exceeds the funding entitlement for that schoolsite for~~

~~the current fiscal year, the superintendent shall reduce the first principal apportionment to that school district in the current fiscal year by the amount of that excess.~~

~~(c) If the number of pupils estimated for a schoolsite for the prior fiscal year is less than the number of pupils certified in excess of the capacity of the schoolsite for that prior fiscal year, the school district may elect to increase accordingly the number of pupils it subsequently claims for the prior fiscal year. In that event, the superintendent shall increase the district's funding entitlement under Section 42263 for the schoolsite for the current fiscal year, and the district's building area eligibility under Chapter 12.5 (commencing with Section 17070.10) of Part 10 shall be reduced accordingly pursuant to Section 17746.8.~~

SEC. 29. Section 42268 of the Education Code is repealed.

~~42268. (a) The Superintendent of Public Instruction shall annually report to the State Allocation Board, for the purposes of Section 17746.8, the number of pupils in excess of capacity certified by the district pursuant to subdivision (b) of Section 42263, or the number of pupils prescribed by subdivision (b) of this section, whichever is greater.~~

~~(b) In the first year of funding for a schoolsite under Section 42263, if the number of pupils certified in excess of the capacity of the schoolsite is less than 5 percent of capacity, the number of pupils reported by the superintendent shall be equal to 5 percent of capacity. In the second year of that funding, if the number of pupils certified in excess of the capacity of the schoolsite is less than 10 percent of capacity, the number of pupils reported by the superintendent shall be equal to 10 percent of capacity. In the third, and each subsequent year of that funding, if the number of pupils certified in excess of the capacity of the schoolsite is less than 15 percent of capacity, the number of pupils reported by the superintendent shall be equal to 15 percent of capacity.~~

SEC. 30. Section 42269 of the Education Code is amended and renumbered to read:

~~42269.~~

42266. (a) The State Department of Education shall, in consultation with school districts, the Department of Finance, the Legislative Analyst's Office, and any other affected parties, conduct a study of the grant program established pursuant to this

1 article to develop an equitable method of phasing out the program
2 over a multiyear period.

3 (b) The study conducted pursuant to subdivision (a) shall
4 include, but not necessarily be limited to, all of the following:

5 (1) Findings regarding the challenges that school districts face
6 in implementing a longer school year, mandatory summer school
7 reform, and other educational reforms in conjunction with a
8 multitrack year-round educational program.

9 (2) Analyze the need for school facilities in school districts that
10 receive funding pursuant to this article.

11 (3) Determine the eligibility of school districts offering a
12 multitrack year-round educational program for participation in the
13 Leroy F. Greene School Facilities Act of 1998.

14 (4) Identify options for eliminating the grant program
15 established pursuant to this article.

16 (5) Identify options to help school districts offering a
17 multitrack year-round educational program provide the school
18 facilities necessary to implement educational reforms.

19 (c) The State Department of Education shall complete the study
20 conducted pursuant to this section and present its findings to the
21 Legislature on or before July 1, 2000.

22 SEC. 31. Section 42850 of the Education Code is amended to
23 read:

24 42850. The governing board of any school district may
25 establish a ~~retiree-benefit~~ *pension plan and other employee*
26 *benefits* fund to accumulate restricted moneys from salary
27 reduction agreements, other contributions for employee
28 retirement benefit payments, or both. Moneys may be transferred
29 to the fund from other funds by periodic expense charges, in
30 amounts based on existing and future obligation requirements.
31 Payments from the ~~retiree-benefit~~ *pension plan and other*
32 *employee benefits* fund for insurance, annuities, administrative
33 costs, or any other authorized purpose shall be made in accordance
34 with all warrant approval requirements applicable under this code.

35 SEC. 32. Section 44503 of the Education Code is amended to
36 read:

37 44503. (a) The governing board of a school district that
38 accepts state funds for purposes of this article agrees to negotiate
39 the development and implementation of the program with the
40 exclusive representative of the certificated employees in the

1 school district, if the certificated employees in the district are
2 represented by an exclusive representative. In a school district in
3 which the certificated employees are not represented, the school
4 district shall develop a Peer Assistance and Review Program for
5 Teachers consistent with this article in order to be eligible to
6 receive funding under this article.

7 (b) Functions performed pursuant to this article by certificated
8 employees employed in a bargaining unit position shall not
9 constitute either management or supervisory functions as defined
10 by subdivisions (g) and (m) of Section 3540.1 of the Government
11 Code.

12 (c) Teachers who provide assistance and review shall have the
13 same protection from liability and access to appropriate defense as
14 other public school employees pursuant to Division 3.6
15 (commencing with Section 810) of Title 1 of the Government
16 Code.

17 (d) It is the intent of the Legislature that school districts be
18 allowed to combine, by mutual agreement, their programs of peer
19 assistance and review with those of other school districts.

20 (e) Not more than 5 percent of the funds received by a school
21 district for the Peer Assistance and Review Program for Teachers
22 may be expended for administrative expenses. *For the purposes of*
23 *this article, administrative expenses shall include expenditures for*
24 *the personnel costs of program administration and coordination,*
25 *the cost of consulting teacher selection, and indirect costs*
26 *associated with the Peer Assistance and Review Program for*
27 *Teachers.*

28 SEC. 33. Section 52334 of the Education Code is amended to
29 read:

30 52334. Indirect costs charged to regional occupational centers
31 and programs may not exceed ~~the lesser~~ *that* of the school district
32 or county office of education, as appropriate, prior year indirect
33 cost rate as approved by the State Department of Education.

34 The indirect costs charged by county offices of education and
35 school districts that provide regional occupational centers and
36 programs services on behalf of the county office of education or
37 joint powers authority, when added together, may not exceed the
38 indirect cost rate approved by the State Department of Education
39 for the county office of education or the school district, whichever
40 is higher.

1 Revenue limit funds apportioned to a county office of education
2 or school district for regional occupational centers and programs
3 must be expended on programs and services offered by the
4 regional occupational centers and programs.

5 SEC. 34. Section 53029 of the Education Code is amended to
6 read:

7 53029. (a) Except as provided in subdivision (b), intensive
8 reading instruction provided pursuant to this article shall be
9 offered four hours per day for six continuous weeks during the
10 summer or when school is not regularly in session.

11 (b) Due to facilities constraints or for other educational
12 reasons, a school district may offer intensive reading instruction
13 before school, after school, on Saturdays, or during intersession,
14 or in a combination of summer school, *before school*, after school,
15 Saturday, or intersession instruction. Services may be provided to
16 pupils during the regular instructional day if the instruction is
17 delivered by a certificated employee, provided that the employee
18 is not the pupil's regular classroom teacher, and does not result in
19 the pupil being removed from regular classroom instruction.
20 Instruction provided pursuant to this section shall fulfill the
21 requirements of subdivision (a) of Section 44830 and of Section
22 44831. Other service providers should have appropriate training
23 in the teaching of reading.

24 (c) Notwithstanding Section 49550 or any other provision of
25 law, a school district that operates a program pursuant to this article
26 is not required to provide a meal or snack to pupils participating
27 in the program.

28 SEC. 35. Section 53083 of the Education Code is amended to
29 read:

30 53083. (a) (1) Except as provided in paragraph (2),
31 intensive prealgebra and algebra instruction provided pursuant to
32 this chapter shall be offered four hours per day for six continuous
33 weeks during the summer or when school is not regularly in
34 session.

35 (2) Due to facilities constraints or for other educational
36 reasons, a school district may offer intensive prealgebra and
37 algebra instruction before school, after school, on Saturdays, or
38 during intersession, or in a combination of summer school, *before*
39 *school*, after school, Saturday, or intersession instruction.



1 (b) Instruction provided pursuant to this chapter shall fulfill the
2 requirements of subdivision (a) of Section 44830 and of Section
3 44831.

4 (c) Notwithstanding Section 49550 or any other provision of
5 law, a school district that operates a program pursuant to this
6 chapter is not required to provide a meal or snack to pupils
7 participating in the program.

8 SEC. 36. Section 54022 of the Education Code is amended to
9 read:

10 54022. For entitlements of the 1989–90 fiscal year and each
11 year thereafter, the Superintendent of Public Instruction shall
12 calculate state gross need by multiplying the state index of need by
13 the average excess cost of education for impact aid.

14 The state index of need shall be: number of children aged 5 to
15 17 years, inclusive, ~~from families that receive Aid to Families with~~
16 ~~Dependent Children~~ *who are eligible for free and reduced price*
17 *meals.*

18 The average excess cost of education for impact aid shall be five
19 hundred sixty-five dollars and thirty-six cents (\$565.36) in the
20 1989–90 fiscal year and shall be adjusted annually by the amount
21 of the percentage increase determined under subdivision (b) of
22 Section 42238.1.

23 SEC. 37. Section 54023 of the Education Code is amended to
24 read:

25 54023. For each eligible school district, the Superintendent of
26 Public Instruction shall compute a share of the state gross need
27 defined in Section 54022. To determine such shares he shall, for
28 each district, compute the product of:

29 (a) A factor which shall be one-third the sum of the following
30 three terms which shall be computed utilizing data from the three
31 most recently available fiscal years:

32 (1) A ratio of “potential impact of bilingual-bicultural pupils”
33 determined by dividing the percent of pupils in the district with
34 Spanish and Asian surnames, and Indian pupils, as determined by
35 the most recent ethnic survey conducted by the Department of
36 Education, by the statewide average percentage of such pupils for
37 unified, elementary, or high school districts, as appropriate.

38 (2) A ratio of the district’s “index of family poverty,” defined
39 as the average of; the number of school age children in poverty as
40 determined by the United States census and the number of school

age children ~~in families receiving aid for dependent children support~~ who are eligible for free and reduced price meals, divided by its average daily attendance, divided in turn by the state average index of family poverty for unified, elementary, or high school districts, as appropriate.

(3) A ratio of the district's "index of pupil transiency," computed as the difference between 1 and the district's average daily attendance divided by its total annual enrollment, divided by the state average index of pupil transiency for unified, elementary, or high school districts, as appropriate.

(b) The district's average of; the number of school age children in poverty as determined by the United States census and the number of school age children in families receiving aid for dependent children support.

(c) A constant figure as determined by the Superintendent of Public Instruction so that the sum of all district shares will not exceed the state gross need.

SEC. 38. Section 54030 of the Education Code is amended to read:

54030. For the purposes of this article, economically disadvantaged pupils shall be defined as the sum of the number of children aged 5 to 17, inclusive, ~~from families that receive Aid to Families with Dependent Children~~ who are eligible for free and reduced price meals and the number of pupils of limited English proficiency, as identified pursuant to Section 52163.

SEC. 39. Section 54031 of the Education Code is amended to read:

54031. Notwithstanding Section 54026, school districts with low concentrations of economically disadvantaged pupils shall be allocated funds pursuant to the following schedule:

Number of economically disadvantaged pupils	Amount
0	None
1–10	\$4,000
11–20 11 or more	at least \$6,000

SEC. 40. Section 60061 of the Education Code is amended to read:

60061. (a) A publisher or manufacturer shall *do all of the following*:

~~(a)~~

(1) Furnish the instructional materials offered by the publisher at a price in this state that, including all costs of transportation to that place, does not exceed the lowest price at which the publisher offers those instructional materials for adoption or sale to any state or school district in the United States.

~~(b)~~

(2) Automatically reduce the price of those instructional materials to any governing board to the extent that reductions are made elsewhere in the United States.

~~(c)~~

(3) Provide any instructional materials free of charge in this state to the same extent as that received by any state or school district in the United States.

~~(d)~~

(4) Guarantee that all copies of any instructional materials sold in this state are at least equal in quality to the copies of those instructional materials that are sold elsewhere in the United States, and are kept revised, free from all errors, and up to date as may be required by the state board.

~~(e)~~

(5) Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, or enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in this state.

~~(f)~~

(6) Maintain a representative, office, or depository in the State of California or arrange with an independently owned and operated depository in the State of California to receive and fill orders for instructional materials.

~~(g)~~

(7) Provide to the state, at no cost, *computer files or other electronic versions of each state-adopted literary title and the right to transcribe, reproduce, modify, and distribute the material in Braille, large print if the publisher does not offer a large print edition, recordings, American Sign Language videos for the deaf, or other specialized accessible media exclusively* for use by pupils

1 with visual disabilities. ~~This right shall include computer diskette~~
2 ~~versions of print materials if made available to any other state, and~~
3 ~~those corrections and revisions as may be necessary. or other~~
4 *disabilities that prevent use of standard instruction materials.*
5 *Computer files or other electronic versions shall be provided*
6 *within 30 days of adoption and shall be requested by the state as*
7 *needed for the following purposes:*

8 (A) *Computer files or other electronic versions of literary titles*
9 *shall maintain the structural integrity of the standard instruction*
10 *materials, be compatible with commonly used Braille translation*
11 *and speech synthesis software, and include corrections and*
12 *revisions as may be necessary.*

13 (B) *Computer files or other electronic versions of nonliterary*
14 *titles, including science and mathematics, shall be provided when*
15 *technology is available to convert those materials to a format that*
16 *maintains the structural integrity of the standard instructional*
17 *materials and is compatible with Braille translation and speech*
18 *synthesis software.*

19 ~~(h)~~

20 (8) Upon the willful failure of the publisher or manufacturer to
21 comply with the requirements of this section, be liable to the
22 governing board in the amount of three times the total sum that the
23 publisher or manufacturer was paid in excess of the price required
24 under ~~subdivisions (a), (b), and (e)~~ *paragraphs (1), (2), and (5) of*
25 *subdivision (a), and in the amount of three times the total value of*
26 *the instructional materials and services that the governing board*
27 *is entitled to receive free of charge under subdivision ~~(e)~~ (a).*

28 (b) *The state shall certify all of the following to the publisher*
29 *or manufacturer:*

30 (1) *Electronic copies of printed material in any specialized*
31 *format provided to the state pursuant to this section shall be used*
32 *solely for pupils who have disabilities that prevent the use of*
33 *standard instructional materials.*

34 (2) *Printed instructional materials provided to the state*
35 *pursuant to this section may not be copied or duplicated for use by*
36 *any person other than a pupil who has a disability that prevents the*
37 *use of standard instructional materials or a person providing*
38 *instruction to the pupil.*

39 (3) *If a pupil is permitted to use an electronic version of an*
40 *instructional material, the disk or file shall be copy-protected or*

1 *other reasonable precautions shall be taken to ensure that*
2 *instructional material is not copied or distributed in violation of*
3 *the federal copyright law contained in Title 17 of the United States*
4 *Code.*

5 SEC. 41. Section 60240 of the Education Code is amended to
6 read:

7 60240. (a) The State Instructional Materials Fund is hereby
8 continued in existence in the State Treasury. The fund shall be a
9 means of annually funding the acquisition of instructional
10 materials as required by the Constitution of the State of California.
11 Notwithstanding Section 13340 of the Government Code, all
12 money in the fund is continuously appropriated to the State
13 Department of Education without regard to fiscal years for
14 carrying out the purposes of this part. It is the intent of the
15 Legislature that the fund shall provide for flexibility of
16 instructional materials.

17 (b) The State Department of Education shall administer the
18 fund under policies established by the state board.

19 (c) (1) The state board shall encumber part of the fund to pay
20 for accessible instructional materials to accommodate pupils ~~with~~
21 ~~visual disabilities~~ *who are visually impaired* pursuant to Sections
22 60312 and 60313 *or have other disabilities and are unable to*
23 *access the general curriculum.*

24 (2) The state board may encumber funds, in an amount not to
25 exceed two hundred thousand dollars (\$200,000), for replacement
26 of instructional materials, obtained by a school district with its
27 allowance that are lost or destroyed by reason of fire, theft, natural
28 disaster, or vandalism.

29 (3) The state board may encumber funds for the costs of
30 warehousing and transporting instructional materials it has
31 acquired.

32 SEC. 42. Section 60313 of the Education Code is amended to
33 read:

34 60313. (a) The Superintendent of Public Instruction shall
35 maintain a central clearinghouse-depository and duplication
36 center for the design, production, *modification*, and distribution of
37 Braille, large print, special recordings, *American Sign Language*
38 *videos*, and other accessible versions of instructional materials for
39 ~~pupils who are visually impaired and assistive devices and~~
40 ~~materials for use by pupils with visual impairments or other~~

1 *disabilities who are enrolled in the public schools of California*
2 ~~who may require their use as shall be determined by the state~~
3 ~~board. The~~

4 *(b) Assistive devices placed in the depository shall consist of*
5 *items designed for use by pupils with visual impairments.*

6 *(c) The instructional materials in specialized media shall be*
7 *available to other pupils with disabilities enrolled in the public*
8 *schools of California who are unable to benefit from the use of*
9 *progress in the general curriculum, using conventional print*
10 *copies of textbooks, reference books, and other study materials in*
11 ~~a manner determined by the state board. The~~

12 *(d) The specialized textbooks, reference books, recordings,*
13 *study materials, tangible apparatus, equipment, and other similar*
14 *items shall be available for use by students with visual*
15 *impairments enrolled in the public community colleges, the*
16 *California State University, and the University of California.*

17 SEC. 43. Section 63051 of the Education Code is amended to
18 read:

19 63051. (a) The Superintendent of Public Instruction, with the
20 approval of the State Board of Education, shall select not more
21 than 75 school districts that apply to participate in the pilot project
22 established pursuant to this chapter.

23 (b) Each school district that applies to participate in the pilot
24 project established pursuant to this chapter shall submit a project
25 budget with the application. The project budget shall specify how
26 categorical program funding will be allocated or reallocated under
27 the pilot project. No school district may participate in the pilot
28 project unless the district's proposed plan is approved by the State
29 Board of Education.

30 (c) The superintendent shall determine the 25 largest school
31 districts in the state on the basis of pupil enrollment as of October
32 1999. From this list, the superintendent shall select no more than
33 one school district from the largest five school districts and no
34 more than four school districts from the remaining 20 largest
35 school districts to participate in the pilot project. If more than one
36 of the largest five school districts applies, or more than four school
37 districts from the remaining 20 school districts applies, the
38 superintendent shall select those school districts to participate in
39 the pilot project by lottery.

(d) After making selections pursuant to subdivision (b), the superintendent may select up to 70 additional participants from applicant school districts. The superintendent shall ensure that participating school districts are broadly representative of the state, including small school districts, urban school districts, rural school districts, suburban school districts, elementary school districts, high school districts, and unified school districts.

(e) A school district approved for participation shall have a minimum of five years of ~~funding~~ *expenditure* flexibility as described in this chapter commencing on and after the 2000–01 fiscal year.

SEC. 44. Section 63052 of the Education Code is amended to read:

63052. (a) A school district participating in the pilot project is exempt from the program requirements and regulations for those categorical education programs listed in Section 63050.

~~(b) Notwithstanding any other provision of law, a school district participating in the pilot project shall receive the same amount of funds for the categorical programs constituting the three clusters described in Section 63050 while participating in the pilot project as the school district received for those programs in the year prior to participation in the pilot project, plus growth and cost of living adjustments if approved in the annual Budget Act. However, nothing in this section shall be construed to allow program expansion for any of the categorical programs contained in the clusters specified in Section 63050 that are also included in subdivision (b) of Section 63051. All funding for those programs is suspended for the duration of the district's pilot program participation. While participating in the pilot project, school districts shall continue to receive funding for those programs listed in Section 63050 for which the school district received funding in the 1999–2000 fiscal year. Funding shall be determined pursuant to statutes governing the programs prior to participation in the pilot project, except that nothing in this section shall be construed to allow program expansion for any of the categorical programs contained in the clusters specified in Section 63050 that are also included in subdivision (b) of Section 63051. All expansion funding for those programs is suspended for the duration of the district's pilot program participation. Expansion funding shall be defined as additions to the program beyond any growth and~~

1 *cost-of-living adjustments approved for the program in the annual*
2 *Budget Act.*

3 (c) A school district participating in the pilot project shall not
4 be entitled to receive, and may not receive, funding in replacement
5 of categorical funds that have been redirected or otherwise reduced
6 pursuant to this chapter. This subdivision may not be construed to
7 prevent a school district from receiving funds that the district is
8 otherwise eligible to receive for cost-of-living adjustments, or
9 growth adjustments that are allocated in accordance with this code,
10 unless otherwise provided for in the annual budget process.

11 SEC. 45. Section 27316 of the Vehicle Code is amended to
12 read:

13 27316. (a) Unless specifically prohibited by the National
14 Highway Transportation Safety Administration, all schoolbuses
15 manufactured on or after January 1, ~~2002~~ 2004, and purchased or
16 leased for use in California shall be equipped at all designated
17 seating positions with a combination pelvic and upper torso
18 passenger restraint system.

19 (b) For purposes of this section, a “passenger restraint system”
20 is a restraint system that is in compliance with Federal Motor
21 Vehicle Safety Standard 209, for a type 2 seatbelt assembly, and
22 with Federal Motor Vehicle Safety Standard 210, as those
23 standards were in effect on the date the schoolbus was
24 manufactured.

25 (c) No person, school district, or organization, with respect to
26 a schoolbus equipped with passenger restraint systems pursuant to
27 this section, may be charged for a violation of this code or any
28 regulation adopted thereunder requiring a passenger to use a
29 passenger restraint system, if a passenger on the schoolbus fails to
30 use or improperly uses the passenger restraint system.

31 (d) It is the intent of the Legislature that, in implementing this
32 section, school pupil transportation providers work to prioritize
33 the allocation of schoolbuses purchased, leased, or contracted for
34 after January 1, ~~2002~~ 2004, to ensure that elementary-level
35 schoolbus passengers receive first priority for new schoolbuses
36 whenever feasible.

37 SEC. 46. Section 42 of Chapter 71 of the Statutes of 2000, as
38 amended by Section 129 of Chapter 1058 of the Statutes of 2000,
39 is amended to read:

Sec. 42. (a) The sum of fifteen million seven hundred sixty-one thousand dollars (\$15,761,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction in accordance with the following schedule:

(1) One hundred thousand dollars (\$100,000) for allocation on a one-time basis to the Hispanic Media Education Group for an evaluation of the Cada Cabeza Es Un Mundo Latino-Chicano High School Dropout Prevention Program.

(2) One hundred ten thousand dollars (\$110,000) for allocation on a one-time basis to the Orange County Department of Education for kitchen facilities at the Katharine Irvine Day School.

(3) Eighty thousand dollars (\$80,000) for allocation on a one-time basis to the Santa Ana Unified School District for playground equipment for the Romero Cruz Elementary School.

(4) One hundred fifty-five thousand dollars (\$155,000) for allocation on a one-time basis to the Centralia Elementary School District for playground equipment for the San Marino and Danbrook elementary schools.

(5) Two hundred thousand dollars (\$200,000) for allocation on a one-time basis to the Long Beach Unified School District for renovation of the swimming pool at Jordan High School.

(6) Four hundred thousand dollars (\$400,000) for allocation on a one-time basis to the Culver City Unified School District to repair the track at Culver City High School.

(7) Fifteen thousand dollars (\$15,000) for allocation on a one-time basis to Raisin City Elementary School District for the Raisin City library.

(8) Fifty thousand dollars (\$50,000) for allocation on a one-time basis to the El Nido Elementary School District for air-conditioning at El Nido Elementary.

(9) Sixty-two thousand dollars (\$62,000) on a one-time basis to the Hilmar Unified School District for street access at Hilmar High Middle School.

(10) Seventy-five thousand dollars (\$75,000) for allocation on a one-time basis to the Wasco Union High School District for air-conditioning for the Wasco High School auditorium.

(11) One hundred thirty thousand dollars (\$130,000) for allocation on a one-time basis to the San Diego City Unified

- 1 School District for an ADA Tot Lot upgrade at the Alcott
2 Elementary School.
- 3 (12) One hundred thirty-nine thousand dollars (\$139,000) for
4 allocation on a one-time basis to the Las Deltas Unified School
5 District for a water well.
- 6 (13) Two hundred fifty thousand dollars (\$250,000) for
7 allocation on a one-time basis to the Compton Unified School
8 District for a pool at Compton High School.
- 9 (14) Three hundred fifty thousand dollars (\$350,000) for
10 allocation on a one-time basis to the Fremont Union High School
11 District for a swimming pool at Fremont High School.
- 12 (15) Five hundred thousand dollars (\$500,000) for allocation
13 on a one-time basis to the Baldwin Park Unified School District for
14 the DREAM project.
- 15 (16) Two hundred thousand dollars (\$200,000) for allocation
16 on a one-time basis to Montebello Unified School District for
17 natural gas powered delivery trucks and a natural gas fueling
18 station.
- 19 (17) Two hundred thousand dollars (\$200,000) for allocation
20 on a one-time basis to the Burbank Unified School District to
21 continue an innovative literacy program.
- 22 (18) Three hundred thousand dollars (\$300,000) for allocation
23 on a one-time basis to the Temple City Unified School District Arts
24 Academy.
- 25 (19) One hundred fifty thousand dollars (\$150,000) for
26 allocation on a one-time basis to the Pasadena Unified School
27 District for the Pasadena Multipurpose Athletic Field.
- 28 (20) Three hundred sixty thousand dollars (\$360,000) for
29 allocation on a one-time basis to the Santa Barbara High School
30 District for soccer and baseball fields.
- 31 (21) Five million dollars (\$5,000,000) for allocation on a
32 one-time basis to the Alvord Unified School District for
33 construction costs associated with the Center for Primary
34 Education.
- 35 (22) Five hundred thousand dollars (\$500,000) for allocation
36 on a one-time basis to the Gonzales Unified School District for
37 slough repair costs.
- 38 (23) Two hundred seventy thousand dollars (\$270,000) for
39 allocation on a one-time basis to the Madera Unified School
40 District for the Madera Safe Schools and Recreation Route.



1 (24) Two hundred eighty-five thousand dollars (\$285,000) for
2 allocation on a one-time basis to the Chatom Union Elementary
3 School District to offset declining average daily attendance
4 funding and to purchase school buses.

5 (25) Six hundred thousand dollars (\$600,000) for allocation on
6 a one-time basis to the Orinda Union Elementary School District
7 to improve pedestrian and vehicle safety.

8 (26) Four hundred seventy-five thousand dollars (\$475,000)
9 for allocation on a one-time basis to the Millbrae Elementary
10 School District for declining enrollment.

11 (27) Four hundred thousand dollars (\$400,000) for allocation
12 on a one-time basis to the Los Angeles Unified School District to
13 renovate Olive Vista Middle School.

14 (28) Fifty thousand dollars (\$50,000) for allocation on a
15 one-time basis to the Escalon Unified School District for a new
16 swimming pool.

17 (29) One hundred five thousand dollars (\$105,000) for
18 allocation on a one-time basis to the Borrego Springs Unified
19 School District for a football field facility at the Borrego Springs
20 High School.

21 (30) Four hundred fifty thousand dollars (\$450,000) for
22 allocation on a one-time basis to the Del Norte County Unified
23 School District for construction of the Mountain School
24 multipurpose building.

25 (31) One hundred thousand dollars (\$100,000) for allocation
26 on a one-time basis to the L.A.'s Best for afterschool programs.

27 (32) Three million seven hundred thousand dollars
28 (\$3,700,000) for allocation on a one-time basis to the Clovis and
29 Fresno Unified School Districts for the Center for Advanced
30 Research and Technology.

31 (b) For purposes of making the computations required by
32 Section 8 of Article XVI of the California Constitution, the
33 appropriation made by subdivision (a), except the amount
34 specified in paragraph (1), shall be deemed to be "General Fund
35 revenues appropriated to school districts," as defined in
36 subdivision (c) of Section 41202 of the Education Code for the
37 1999–2000 fiscal year and included within the "total allocations
38 to school districts and community college districts from General
39 Fund proceeds of taxes appropriated pursuant to Article XIII B"

1 as defined in subdivision (e) of Section 41202 of the Education
2 Code, for the 1999–2000 fiscal year.

3 SEC. 47. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or safety
5 within the meaning of Article IV of the Constitution and shall go
6 into immediate effect. The facts constituting the necessity are:

7 In order to ensure that the various programs affected by this act
8 are properly implemented, pursuant to the clarifying, technical,
9 and other changes made by this act, it is necessary that this act take
10 effect immediately.

